

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5102 OF 2005

Bharat Petroleum Corporation Ltd.

...Petitioner

V/s.

The State of Maharashtra & Ors.
Respondents.

...

Mr. S.G. Page with Mr. S.R. Page for the Petitioner

Mr. C.R. Sonawane, Assistant Government Pleader,
for Respondents No. 1 and 2

Mr. B.D. Joshi for Respondent No. 3

Mr. M.B. Shirsat with Mr. M.N. Sandyanshiv and Mr. S.V. Patil
for Respondents No. 4 to 6.

CORAM: KSHITIJ R. VYAS, C.J., &
DR.D.Y.CHANDRACHUD,J.
DATE: MARCH 7, 2006.

P.C.:-

1. Learned counsel Mr. Balkrishna Joshi, appearing for respondent No. 3 – Manmad Municipal Council – states that the Chief Officer will issue a fresh notice, in lieu of the impugned demand notice, to the petitioner, setting out the grounds for levy of Export Fee and the provisions of law in respect of such demand, within four weeks from today. The petitioner shall submit its reply / objection to the Chief

Officer within two weeks from the date of the notice.

The Chief Officer of the Manmad Municipal Council shall consider the objection and pass a reasoned order, after furnishing an opportunity of being heard to the representative of the petitioner, and shall communicate his decision to the petitioner within four weeks thereafter.

2. Learned counsel for the petitioner has agreed to deposit Rs.5,00,000/- (Rupees Five Lakhs only) with respondent No. 3 towards the demand within two weeks from today, without prejudice to its rights and contentions. It is made clear that this deposit shall be subject to the decision that may be rendered by the Chief Officer, who is going to take a decision in the matter. Needless to say that if any decision adverse to the petitioner is rendered, the petitioner can challenge the same before the appropriate authority.
3. With the above directions and observations, the petition stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,J.